REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 1-57, 59, 61, and 62 were pending prior to the Office Action, with claims 21-57, 59, 61 and 62 being withdrawn from consideration. Therefore, claims 1-20 are under consideration by the Examiner. Claims 1, 4, 7, 10, 14, and 18 are independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §101

Claims 7-9 and 18-20 stand rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. The Examiner alleges that the specification is ambiguous with respect to defining what Applicants consider as a computer-readable medium, and he states that he considers the computer-readable medium may comprise a carrier wave or electrical signal, which are considered non-statutory subject matter under § 101. Applicants respectfully traverse the rejection.

It is clear from independent claims 7 and 18, and as supported by the instant specification, that the processes recited by the claims are executed by cameras or servers. A person possessing ordinary skill in the art would be knowledgeable of the types of media that are compatible for use in such devices as computer-readable media, including, e.g.: internal semiconductor memories; storage devices including HDDs and SSDs; disc media including CDs, DVDs, and BDs; and semiconductor media including USB memory, compact flash memory, and SD cards. Furthermore, the specification does not recite that the claimed computer-readable medium constitutes a non-tangible carrier wave or electrical signal, nor would one of ordinary skill in the art understand the specification to enable the use of non-tangible media in the devices as claimed.

Accordingly, Applicants submit that the specification provides support as statutory subject matter for the computer-readable medium claimed in independent claims 7 and 18, and respectfully request that the rejection of claims 7-8 and 18-20 under § 101 be withdrawn.

Claim Rejections - 35 U.S.C. §§102 and 103

Claims 1-9 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,670,933 to Yamazaki ("Yamazaki"). Claims 10, 12-14, 16-18, and 20 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 7,139,018 to Grosvenor et al. ("Grosvenor"). Claims 11, 15, and 19 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Grosvenor in view of Official Notice. Applicants submit the Examiner has failed to establish a *prima facie* case of anticipation and/or obviousness and traverse the rejections.

In order to establish a *prima facie* case of anticipation under 35 U.S.C. §102, the cited reference must teach or suggest each and every element in the claims. *See M.P.E.P. §2131; M.P.E.P. §706.02.* Accordingly, if the cited reference fails to teach or suggest one or more claimed elements, the rejection is improper and must be withdrawn.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142.* One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j).* Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

Regarding independent claims 1, 4, and 7:

According to the features of the claimed invention, a plurality of imaging devices are associated via a network, whereby photography notification data is transmitted to desired imaging devices by peer-to-peer communications. This photography notification data is designed to cause the desired imaging device to perform photography notification. For example, photography notification data may notify a user of one of the plurality of networked imaging devices that photography is about to take place. Various notification may be carried out, such as an audio cue (chime, beep, voice, etc.), visual cue (character display, change in color, etc.), or vibration. *See, e.g., instant specification, paragraphs 22-35.*

Conversely, the Yamazaki reference fails to disclose or suggest the photography notification data as claimed. Yamazaki is directed basically toward a camera communication

system whereby a master camera instructs slave cameras to perform image capture. *See Figure 10, ref. S166.* Subsequently, the slave cameras transmit the acquired image data to a server. *See Figure 10, ref. S168.* The Examiner is relying on this instruction to allegedly anticipate the notification data of the claimed invention. *See Office Action, page 4, item 9.* However, photography notification data is not the same as data to instruct a desired imaging device to perform a photography operation. As discussed above, photography notification data notifies that photography is to be carried out. Although Yamazaki discloses that photography is performed by a plurality of cameras, the reference is silent regarding transmission of photography notification data to desired imaging devices by peer to peer transmission.

Independent claim 1 expressly recites "*transmitting photography notification data ... to* ***cause the desired imaging device to perform photography notification when causing the plurality of imaging devices to perform a photography operation,*** *wherein* ***after the desired imaging device performs the photography notification and the photography operation,*** *the imaging device that has transmitted the photography notification data to the desired imaging device receives, by using the peer-to-peer communication system, image data acquired by the desired imaging device.*" Additionally, claims 4 and 7 recite features at least comparable to those described above. From the recited claim language, it is clear that within the context of the claimed invention photography notification is separate from photography operation. Again, Applicants submit that Yamazaki cannot disclose at least the photography notification data of the claimed invention.

Therefore, at least because Yamazaki fails to teach or suggest each and every claimed element, independent claims 1, 4, and 7 are distinguishable from the prior art. Dependent claims 2, 3, 5, 6, 8, and 9 are also distinguishable from the prior art at least due to their dependence from claims 1, 4, and 7, directly or indirectly. Accordingly, Applicants respectfully request that the rejection of claims 1-9 under 35 U.S.C. § 102(e) be withdrawn.

Regarding independent claims 10, 14, and 18:

The Grosvenor reference discloses a synchronized camera system whereby digital recordings obtained by the cameras are stored in the same database. *See e.g., col. 3, lines 29-49.*

Furthermore, Grosvenor discloses assigning the digital recordings "reference codes" which enable the database to organize the recordings chronologically. *See col. 4, lines 45-58; col. 13, line 44 – col. 14, line 12.* However, as conceded by the Examiner, Grosvenor fails to disclose attaching a different file name to each of the plurality of image data acquired by the plurality of imaging devices to collectively store the plurality of image data. *See Office Action, page 6, item 19.*

To cure this conceded deficiency of Grosvenor, the Examiner takes Official Notice that attaching a different file name to each of the plurality of image data acquired by the plurality of imaging devices is well known and expected in the art. Applicants note that assertion of common knowledge or general skill, i.e. Official Notice, may be taken of facts outside of the record which are capable of instant and unquestionable demonstration as being "well-known" in the art. However, if the assertion is traversed, references must be cited in support of the position taken in the Official Notice. *See MPEP §2144.03.*

In this instance, Applicants respectfully traverse the application of Official Notice. Applicants have amended claims 10, 14, and 18 to more definitively recite that *each of the plurality of imaging devices assign different file names to each of a plurality of sets of image data acquired by the plurality of imaging devices* and that *the sets of image data, each having a different file name, are transmitted to a common database to collectively manage and store the plurality of sets of image data.* Applicants submit that these features are not disclosed by Grosvenor and that, absent some teaching to the contrary, one of ordinary skill in the art would not be motivated to have the plurality of imaging devices assign the different file names to each of the plurality of sets of image data, as claimed.

Therefore, at least because Grosvenor fails to teach or suggest each and every claimed element, independent claims 10, 14, and 18 are distinguishable from the prior art. Dependent claims 12-13, 16-17, and 20 are also distinguishable from the prior art at least due to their dependence from claims 10, 14, and 18, directly or indirectly. Accordingly, Applicants respectfully request that the rejection of claims 10, 12-14, 16-18, and 20 under 35 U.S.C. §§ 102(e) and 103(a) be withdrawn.

CONCLUSION

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John R. Sanders, (Reg. No. 60,166) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: July 22, 2009

Respectfully submitted,

By _____

Michael R. Cammarata
Registration No.: 39,491
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

MRC/JRS/py